

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

NETLIST, INC.,

Plaintiff,

vs.

MICRON TECHNOLOGY, INC.; MICRON  
SEMICONDUCTOR PRODUCTS, INC.;  
MICRON TECHNOLOGY TEXAS LLC,

Defendants.

Case No. 2:22-cv-203-JRG RSP

**JURY TRIAL DEMANDED**



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**DEFENDANTS' RESPONSE TO PLAINTIFF NETLIST, INC.'S  
MOTION TO COMPEL MICRON DEFENDANTS TO PRODUCE  
DOCUMENTS RELATING TO THE ACCUSED FEATURES OF  
MICRON'S PRODUCTS**

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[REDACTED]

## I. INTRODUCTION

Netlist's motion is moot. Netlist has a pattern of raising new discovery requests for the first time in an email that seeks information above and beyond the written discovery it has propounded. Netlist then quickly moves to compel on these requests undeterred by Micron's good-faith agreement to investigate Netlist's requests. This motion is no different. Netlist raised the present requests on July 31, 2023. Micron explained how these requests expand on the written discovery Netlist previously propounded. *Compare, e.g.*, Mot. at 1 (Netlist's Requests 1-4 seeking improvements attributable to VR-on-DIMM, changes to interconnect structures pertaining to specific generations of Micron HBM products, and comparisons between Micron's HBM products and third-party HBM products) with Mot. at 3-4 (Netlist's written document requests which are silent regarding the foregoing issues). Nevertheless, Micron met and conferred with Netlist on these requests on August 7 and 9, both times agreeing to conduct reasonable and proportional searches for the requested documents and produce any responsive documents that Micron finds. Dkt. 146-1, 1-2. Micron even noted that it had *already* begun producing responsive documents, including those Netlist cites in its motion as having been produced on August 3. Mot. at 5. Undeterred, Netlist proceeded to file the present Motion ignoring that Micron was searching for and producing the newly requested material. Netlist's actions and serial motion practice detracts from the discovery process and wastes judicial and party resources.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## **II. ARGUMENT**

### **A. Documents Related to Improvements in Power Efficiency Attributable to VR-on-DIMM**

[REDACTED]

### **B. Documents Related to Micron's decision to implement VR-on-DIMM on DDR5 DIMMs**

[REDACTED]

### **C. Documents Related to Different Interconnect Structures in HBM2E and HBM3 (1st and 2<sup>nd</sup> Generations)**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

### **D. Comparisons of Micron's HBM Products to Third-Party Products**

[REDACTED]

## **III. CONCLUSION**

For the foregoing reasons, Micron respectfully requests that the Court deny Netlist's Motion to Compel as moot.

Dated: August 21, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that, on August 21, 2023, a copy of the foregoing was served on all counsel of record via the Court's ECF system and email.

/s/ Michael R. Rueckheim  
Michael R. Rueckheim

**CERTIFICATE OF AUTHORIZATION TO FILE UNDER SEAL**

I certify that a motion to seal this document is being filed contemporaneously pursuant to Local Rules CV-5(a) and CV-7(k).

By: /s/ Michael R. Rueckheim  
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